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JUL 23 1996

July 23, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

BOOKET FILE COPY ORIGINAL

Re: NEW - Channel 52
Oro Valley, Arizona

Dear Mr. Caton:

Transmitted herewith are an original and four copies of a Petition for Rule Making to allot Channel 52 to Oro Valley, Arizona, as its first local transmission television service. A contingent application for construction permit for a new television station to operate on Channel 52 at Oro Valley is being transmitted simultaneously under separate cover. A request for waiver of Sections 73.607 and 73.3517 of the Commission's rules is included in the application.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Howard M. Weiss

Counsel for Pete Warren

Enclosures

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COMMISSION

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.606(b) of the
Commission's Rules, TV Table of Allotments,
to allot Channel 52 to Oro Valley, Arizona

MM Docket No. _____
RM No. _____

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Pete Myrl Warren ("Warren"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to allot Channel 52 to Oro Valley, Arizona, as that community's first local television service. Warren proposes to amend Section 73.606(b) of the Commission's rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Oro Valley, Arizona		52

No change in the existing allotments is requested. In support of this request, the following is stated:

The city of Oro Valley, Arizona, is an incorporated community with a 1990 U.S. Census population of 8,627. It has its own zip code.

As demonstrated in the attached engineering exhibit, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemakings.

As stated above, the allotment of Channel 52 will provide Oro Valley with a first local television service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various States and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment will promote the second television allotment priority established in the Sixth Report and Order in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. The proposed allotment also will permit an additional network to serve the Tucson television market. Therefore, the allotment will serve the public interest.

Contemporaneously herewith, the petitioner is filing an application for a construction permit for the new facility contingent upon the grant of the proposed allotment. In the event its application is granted, the petitioner will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Pete Myrl Warren respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 52 to Oro Valley, Arizona, as that community's first local television service.

Respectfully submitted,

PETE MYRL WARREN

By: 

Vincent J. Curtis, Jr.
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 N. Seventeenth Street, 11th Floor
Rosslyn, Virginia 22209
(703/812-0400)

July 23, 1996

WES, INC.
5925 CROMO DR.
EL PASO TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For Oro Valley, AZ
CH 52

JULY 20, 1996

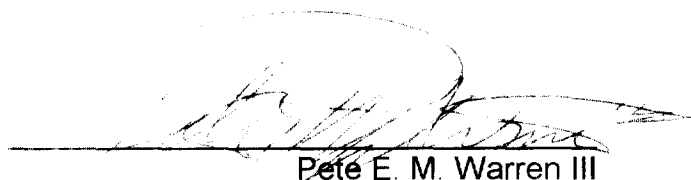
ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E.M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The national association of radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct



Pete E. M. Warren III

Executed on the 20th day of July, 1996

WES, INC.

Narrative Statement

I. GENERAL

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 52 at Oro Valley, AZ. The proposed channel has no short-spacing as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is required.

II. ENGINEERING DISCUSSION

A. Proposed Site:

We propose a site located at the following coordinates:

Latitude: 32 18 30

Longitude: 110 59 0

The allocation may be within a wide area.

B. Channel Allocation Study:

Exhibit 1 is a Channel Allocation Study of Ch. 52. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

C. Public Interest Showing:

1. This would be the first allotment to Oro Valley, AZ. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner requests that the TV Table of Assignments be amended as follows:

CITY	PRESENT	PROPOSED
Oro Valley, AZ	None	52o


Pete E. M. Warren III

July 20, 1996

***** TV CHANNEL SPACING STUDY *****

Job title: Oro Valley, AZ
 Channel: 52
 Database file name: c:\tvsrc\tv960705.edx

Latitude: 32 18 30
 Longitude: 110 59 0

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
38+	ALLOTM	9273	NOGALES	SO	2		178.2	110.3	95.7	14.6

***** End of channel 52 study *****